

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

BRITTANI CANTERBURY,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

No. CV 07-1372-ODW (PLA)

ORDER DISMISSING ACTION AS MOOT

Petitioner, who was at that time an inmate in the custody of the Federal Bureau of Prisons (“BOP”) incarcerated at the Federal Prison Camp in Victorville, California, filed, through counsel, a “Motion for Credit For Time Spent While Detained Pursuant to 28 U.S.C. § 2255” in the United States District Court for the District of Utah. The District Court for the District of Utah construed her Motion as a petition for writ of habeas corpus challenging the execution of a sentence, which is properly brought pursuant to 28 U.S.C. § 2241 in the district where the prisoner is confined. Accordingly, the District Court for the District of Utah transferred the case herein, where it was filed on March 1, 2007.

Respondent filed an Answer to the Petition, supported by a Memorandum of Points and Authorities, on May 29, 2007. In its Answer, respondent stated that, in response to the instant Petition, the BOP conducted an investigation into petitioner's claim and recalculated her


1 presentence credit. As a result of the investigation, the BOP increased her presentence credit
2 from 11 days to 48 days and recalculated her scheduled release date from September 20, 2007,
3 to August 14, 2007. (See Answer at 3-4).

4 On July 30, 2007, petitioner filed a Reply to the Answer in which she stated that she "does
5 not take issue with the United States of America's Memorandum of Points and Authorities."
6 Further, petitioner stated that she agrees that she should receive the additional days of credit, and
7 concludes: "Petitioner respectfully feels that she should be released on August 14th, 2007." (See
8 Reply).

9 As it appeared that petitioner's claims had become moot and that the Petition should be
10 dismissed, the Magistrate Judge, on May 28, 2009, issued an order to show cause requiring
11 petitioner to show, no later than June 12, 2009, why this action should not be dismissed as moot.
12 Petitioner was advised that failure to respond to the order to show cause by June 12, 2009, would
13 result in the summary dismissal of this action.

14 Petitioner did not file a response to the order to show cause, and her time for doing so has
15 expired. Accordingly, this action is hereby **dismissed as moot**.

16
17 DATED: July 10, 2009


HON. OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE